Full Biological Resources Report
Creekside Subdivision, APN 282-130-69-00
County of San Diego, California
[PDS2016-TM-5610; Environmental Log No. PDS2016-ER-16-09-001]

Prepared For:

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Revised 20 October 2016
Revised 2 June 2016
18 January 2016
Job Number 1740.34C

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Attachments:

Glossary of Terms and Acronyms

ACOE	Army Corps of Engineers
BMO	The County of San Diego's Biological Mitigation Ordinance
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CWA	Clean Water Act
EPA	Environmental Protection Agency
FWS	United States Fish and Wildlife Service
MBTA	Migratory Bird Treaty Act
MSCP	Multiple Species Conservation Program
NCCP	Natural Community Conservation Planning
NCMSCP	North County Multiple Species Conservation Program
NNG	Non-Native Grassland
RPO	The County of San Diego's Resource Protection Ordinance
RWCQB	Regional Water Quality Control Board

SUMMARY

The proposed Creekside Subdivision is located on Parcel A of the recently approved lot line adjustment of Assessor's Parcel Numbers 282-130-05 and 282-130-68 in Ramona within the County of San Diego (see Appendix A). The new Assessor's Parcel Number for the project is

282-130-69. The proposed project entails subdivision of the 5.5-acre site into forty-single-family residential lots and a park. This Biological Technical Report is being prepared as supporting documentation to aid in the California Environmental Quality Act (CEQA) review process.

The property is currently occupied by three habitat types: Non-Native Grassland, Field/Pasture, and Disturbed Habitat. As proposed, the project will permanently impact 0.7-acre of Disturbed Habitat, 1.0-acre of Field/Pasture, and 3.8-acres of Non-Native Grassland. Mitigation for the loss of 1.0-acre of Field/Pasture and 3.8-acres of Non-Native Grassland will be achieved by purchasing mitigation credits for in-kind habitats at a 0.5:1 mitigation ratio. By purchasing these mitigation credits, the potentially significant biological impacts will be mitigated to a less than significant level.

1.0 INTRODUCTION

1.1 Purpose of the Report

The purpose of this report is to document the biological resources on the project site~~;~~, identify potential biological resource impacts resulting from the proposed subdivision~~;~~, and recommend measures to avoid, minimize, and/or mitigate significant impacts consistent with federal, state and local rules and regulations, including the California Environmental Quality Act (CEQA), the County of San Diego's North County Multiple Species Conservation Program (NCMSCP) Subarea Plan, and the Resource Protection Ordinance (RPO).

1.2 Project Location and Description

The Creekside project is located in the central part of the Ramona community in unincorporated San Diego County (see Figures 1, 2, 3a and 3b). This project falls under the purview of the Ramona Community Planning Group. The 5.5-acre property is specifically located off of Robertson Street (see Figures 2, 3a and 3b). According to a Title Report prepared by Chicago Title Company, a road easement and a right-of-way and public utility easement are located along Robertson Street. Another road easement extends off of Pala Street along the property edge. The development plans for the property include a subdivision that would create forty detached townhomes on-site and widen and improve Robertson Street both on-site and off-site (see Figures 3a and 3b in the pocket and on the following two pages). Access to the development will be via an internal private road off of Robertson Street. A water quality detention basin is proposed in the northwestern corner of the site. This water quality detention basin will be designed as a park with picnic tables, a volleyball court and basketball court, concrete and

decomposed granite paths, horseshoe pits, a pool, and a decorative creek bed. The location of the new development will be adjacent to existing development on the south, east and west (see Figure 2).

1.3 Survey Methods

Prior to the initiation of the field surveys on the Creekside property, a search of the California Native Plant Society's on-line database and a search of the California Natural Diversity Database was conducted. A "hit list" of possible sensitive plant and wildlife species was generated so that the observer could focus the survey efforts to identify if those potential species occurred on-site. The generation of the plant list required an analysis of the underlying soils as mapped on the Geologic Map of the San Pasqual 7.5' Quadrangle, San Diego County, California (Hernandez et. al., 2007) and on the Soil Survey of the San Diego Area (Bowman, 1973).

The general biological information was gathered on 7 October 2015 and 6 April 2016. A habitat assessment for the Burrowing Owl was also conducted on 7 October 2015. Suitable habitats (i.e. California Ground Squirrel burrows) were observed on-site. Therefore, a winter survey (2015) and a nesting season survey (2016) were conducted to determine if the property is utilized by the Burrowing Owl. Please refer to Appendix B attached to this report for the complete results of the Burrowing Owl surveys. A habitat assessment for the Stephens' Kangaroo Rat was conducted by Stephen J. Montgomery (USFWS Permit TE745541-10) on 30 October 2015. No sign of Stephens' Kangaroo Rats were detected on the property. Please refer to Appendix C attached to this report for the complete results of the Stephens' Kangaroo Rat survey. A dry season Fairy Shrimp sampling was conducted by Greg Mason (USFWS Permit TE 58862A-0 on 6 October 2016. No Fairy Shrimp cysts were found in the samples. Please refer to Appendix D attached to this report for the complete results of the dry season Fairy Shrimp sampling.

During every visit by the undersigned, all sign (including track, scat, and others), direct observation, and auditory inputs (such as songs and calls) were utilized to identify the species present. Standard naming references are cited in Section 9.0 of this report. Plant species were generally identified in the field with some material being collected for laboratory identification. The observer for this project (G. Cummings) was equipped with Nikon N70 digital camera, and 8 x 42 binoculars. Wind, and air temperatures were measured with a Kestrel. With this instrument, it was possible to record wind speed to the nearest 0.1 mph, and temperature to the nearest 0.1°. The limitation to the surveys was the inaccessibility of the adjacent private properties which were required to be surveyed with binoculars.

The details of the biological site visits to the Creekside property are as follows:

5.5-Acre Creekside Property									
Date	Purpose of Visit	Times of survey	Observer	Beginning of Observational Period			End of Observational Period		
				Wind	Air Temp	Cloud Cover	Wind	Air Temp	Cloud Cover
7 Oct 2015	General bio and Habitat Assessment for BUOW	1115 to 1215 hours	G. Cummings	4.1 - 5.9 mph with gusts to 7.9 mph	77.6°F	5%	1.9 - 4.5 mph with gusts to 5.4 mph	82.6°F	5%
30 Oct 2015	SKR Habitat Assessment	N/A	S. Montgomery (USFWS Permit TE745541-10)	3 - 7 mph	78°F	Clear	N/A	N/A	N/A
17 Dec 2015	BUOW Burrow Survey	1145 to 1300 hours	G. Cummings	1.5 - 4.3 mph	63.7°F	Clear	0.9 - 4.0 mph	68.5°F	Clear
31 Dec 2015	Winter BUOW #1	1530 to 1630 hours	G. Cummings	3.6 - 9.4 mph	61.2°F	Clear	3.8 - 7.4 mph	59.7°F	Clear
8 Jan 2016	Winter BUOW #2	1515 to 1615 hours	G. Cummings	2.6 - 4.7 mph	58.9°F	50%	1.4 - 1.9 mph	53.3°F	70%
20 Jan 2016	Winter BUOW #3	0630 to 0715 hours	G. Cummings	< 2.3 mph	55.2°F	100%	Calm	55.7°F	85%
29 Jan 2016	Winter BUOW #4	0630 to 0715 hours	G. Cummings	< 0.8 mph	39.1°F	Clear	< 1.1 mph	41.1°F	5%
6 Apr 2016	Spring Plant Survey	1230 to 1330 hours	G. Cummings	1.1 - 5.2 mph with gusts to 11.1 mph	86.7°F	95%	2.1 - 3.9 mph with gusts to 8.1 mph	88.4°F	100%
29 Apr 2016	Nesting BUOW #1	0630 to 0730 hours	G. Cummings	Calm	47.9°F	60%	Calm	50.6°F	90%

5.5-Acre Creekside Property									
Date	Purpose of Visit	Times of survey	Observer	Beginning of Observational Period			End of Observational Period		
				Wind	Air Temp	Cloud Cover	Wind	Air Temp	Cloud Cover
16 May 2016	Nesting BUOW #2	1745 to 1845 hours	G. Cummings	< 3.5 mph	63.5°F	100%	< 4.5 mph	62.0°F	100%
23 May 2016	Nesting BUOW #3	1750 to 1850 hours	G. Cummings	2.1 – 7.9 mph	65.4°F	5%	1.9 – 6.3 mph	62.3°F	5%
30 May 2016	Nesting BUOW #4	0640 to 0740 hours	G. Cummings	< 3.2 mph	59.4°F	100%	< 1.1 mph	60.4°F	100%
6 Oct 2016	Soil Sampling for Fairy Shrimp	N/A	Greg Mason (USFWS Permit TE58862A-0)	Calm	83°F	Clear	Calm	83°F	Clear

1.4 Environmental Setting

The 5.5-acre Creekside property is bounded by Robertson Street along the southeast edge, by residential development to the south and east, and by undeveloped land to the north. All land ownership adjacent the parcel is private. The property site is a relatively flat piece of property with a gentle slope (approximate 18-foot elevational change) from Robertson Street down to the north/northwest towards the Santa Maria Creek located offsite. The climate in Ramona is fairly typical of the Mediterranean climate in southern California. Generally, Ramona is found in the foothills of southern California where average temperatures are warmer than those along the coast in the summer and cooler than those along the coast in the winter. Average rainfall in Ramona is between 10 to 16-inches. While there are water resources on-site, the Santa Maria Creek is immediately adjacent to the north. The subdivision will be served by the Ramona Municipal Water District, not by wells.

The geological formations underlying the site are Young axial channel deposits (Qya) and deeply weathered Japatul Valley Tonalite (Kjv-w) - Hernandez, et. al., 2007. The overlying biological soils on the property are mapped as (Bowman, et al., 1973):

Bonsall sandy loam, thick surface, 2 - 9% slopes (BmC) — these soils are found over a majority of the property;

Fallbrook sandy loam, 5 - 9% slopes, eroded (FaC2) — these soils are found along Robertson Street.

1.4.1 Regional Context

In California, there is a state-wide effort known as the Natural Community Conservation Planning (NCCP) program established to preserve ecosystems, while at the same time allowing for planned development. Locally, there are several jurisdictions that have established plans as part of the NCCP program. The County of San Diego is a participant in the local Multiple Species Conservation Program (MSCP) with an approved Subarea Plan. However, this property is located within the draft North County Plan and will include the unincorporated lands under the County's jurisdiction in the northwestern and central parts of the County. To facilitate discretionary processes and preserve build-out while the North County Plan is being crafted, the County, USFWS and CDFW entered into a Planning Agreement for the Draft North County Plan (County of San Diego 2008, amended 2014) which defines the geographic scope of the Planning Area, identifies preliminary conservation objectives, ensures coordination between the wildlife agencies, and establishes a process to review interim development within the Planning Areas to help achieve the preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures. The project site is outside of the Pre-Approved Mitigation Area for the draft NCMSCP. Although conformance with the NCMSCP cannot be determined until the final plan is approved, the project design is intended to conform with the draft plan.

The project site is immediately south of Santa Maria Creek, and is within approximately 110 feet of the streambed at its closes point. Santa Maria Creek flows northward through the Ramona Grasslands until its confluence with Santa Ysabel Creek, at which it becomes the San Dieguito River.

1.4.2 Habitat Types/Vegetation Communities

The 5.5-acre Creekside property contains approximately 1.0-acre of Field/Pasture lands, 0.7-acre of Disturbed Habitat, and 3.8-acres of Non-Native Grassland (see Figures 3a and 3b in pocket and on the previous pages 7 and 8). Generally, these habitats are disturbed through human use and with non-native vegetation. The Field/Pasture lands and the Disturbed Habitat contain little to no vegetation. The Non-Native Grassland is a mosaic of open areas with low-growing non-natives, such as Filaree (*Erodium* spp.), and thickets of tall Slender Wild Oat (*Avena barbata*).

Non-Native Grassland (Holland Element Code 42200). Approximately 3.8-acres of Non-Native Grassland (NNG) is located on the property. This habitat is occupied by Ripgut Grass (*Bromus diandrus*), Slender Wild Oat (*Avena barbata*), Red-stem Filaree (*Erodium cicutarium*), Shortpod Mustard (*Hirschfeldia incana*), Bermuda Grass (*Cynodon dactylon*), and Turkey Mullein (*Croton setigerus*) - see top photo of Figure 4. It should be noted that there are a few scattered shrubs of Coastal Goldenbush (*Isocoma menziesii*), and California Buckwheat (*Eriogonum fasciculatum*) in the southeastern portion of the site, but not enough to warrant

categorization as a shrub community. This habitat is considered a sensitive habitat and is protected by the County of San Diego and requires mitigation at a 0.5:1 ratio.

Field/Pasture (Holland Element Code 18310). Approximately 1.0-acre of the northwestern corner of the property is occupied by Field/Pasture lands. These lands are fenced and have cattle and horses grazing on them. This category is mostly bare dirt with some scattered Red-stem Filaree, Turkey-Mullein, and Shortpod Mustard (see bottom photo of Figure 4). This habitat is not considered a sensitive habitat by the County and does not require any mitigation.

Disturbed Habitat (Holland Element Code 11300). The Disturbed Habitat on the Creekside property encompasses approximately 0.7-acre. It is comprised of the compacted dirt road that is Robertson Street, and two dirt turn-around roads off of Robertson Street. This habitat is not considered a sensitive habitat by the County and does not require any mitigation.

1.4.3 Flora

Thirty-five plant species were identified on the Creekside property (please see the attached Table 1). Of the thirty-five species, fourteen of them were native species and twenty-one were non-native species.

1.4.4 Fauna

Five insects, one amphibian, one reptile, four mammal species, and thirty-two bird species were noted on the property and in the vicinity (please refer to the attached Table 2 for a complete list of wildlife species observed on-site). Of the four mammal species seen, one was a large mammal. Two coyotes (*Canis latrans*) were noted in the Non-Native Grassland near Robertson Street. The three other mammals seen on-site were the Audubon's Cottontail (*Sylvilagus audubonii*), California Ground Squirrel (*Spermophilus beecheyi*), and Botta's Pocket Gopher (*Thomomys bottae*). These smaller mammals are potential prey for raptors seen foraging in the vicinity. Specifically, Red-shouldered and Red-tailed Hawks were noted during the surveys.

1.4.5 Sensitive Plant Species

One principal goal of the biological survey was to determine the presence or absence of sensitive plant species. Prior to initiation of the field work in 2015, a search was made of the on-line California Native Plant Society (CNPS) Rare and Endangered Plant Inventory to determine those plant species considered sensitive and known to occur within an approximately 10-mile radius of the subject property. This search resulted in a list of seventy-seven species (CNPS, 2015). The CNPS Plant Inventory was searched again in 2016 in order to update the list. This search resulted in a list of seventy-eight species (CNPS, 2016). This list was then augmented with two plants from a nine quad search of the California Natural Diversity Database (CNDDB) (CDFW, 2016a). This revised list of eighty plant species is presented as Table 3 (the reader's attention is directed to that table for additional information). Each entry in the table has been annotated as to the potential occurrence on site, given the habitats present, specific soil requirements, elevational

limits, etc. Of the eighty species, none were found. Sixty-four are unlikely, six have a low potential to be found on-site, seven have a medium potential, and three have a high potential. The three species with a high potential are Western Dichondra (*Dichondra occidentalis*), Graceful Tarplant (*Holocarpha virgata* ssp. *elongata*), and Large-flowered Leptosiphon (*Leptosiphon grandiflorus*) – see paragraphs for these three species below. A spring plant survey was conducted on 6 April 2016. No sensitive plant species were observed.

Western Dichondra (*Dichondra occidentalis*). The Western Dichondra is a perennial rhizomatous herb found in Chaparral, Cismontane Woodland, Coastal Scrub, and Valley and Foothill Grassland habitats at elevations of 164 - 1,645 feet. This plant is classified by the CNPS as having a Rare Plant Rank of 4.2 which means that this plant has a limited distribution and is on a "watch list". This plant is fairly threatened in California with 20-80% of the occurrences having a moderate degree and immediacy of threat. According to California's CNDDB ranking system, the Western Dichondra has a state rank of S3S4 which means the rank is between S3 and S4. An S3 rank means the plant is vulnerable and an S4 rank means the plant is apparently secure. The County of San Diego places this species on the County of San Diego Sensitive Plant List D. List D plants are those with a limited distribution and are uncommon, but not presently rare or endangered. The 3.8-acres of Non-Native Grassland habitat on the property provides potential habitat for this species, and according to the CNPS, this species has been recorded within the San Pasqual quad (the quad in which the subject property is located). Although a concerted effort was made to locate this species, it was not detected on-site.

Graceful Tarplant (*Holocarpha virgata* ssp. *elongata*). The Graceful Tarplant is an annual herb found in Chaparral, Cismontane Woodland, Coastal Scrub, and Valley and foothill Grassland habitats at elevations of 197 – 3,619 feet. This plant is classified by the CNPS as having a Rare Plant Rank of 4.2 which means that this plant has a limited distribution and is on a "watch list". This plant is fairly threatened in California with 20-80% of the occurrences having a moderate degree and immediacy of threat. According to California's CNDDB ranking system, the Graceful Tarplant has a state rank of S3 which means that it is vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation. The County of San Diego places this species on the County of San Diego Sensitive Plant List D. List D plants are those with a limited distribution and are uncommon, but not presently rare or endangered. The 3.8-acres of Non-Native Grassland habitat on the property provides potential habitat for this species, and according to the CNPS, this species has been recorded within the San Pasqual quad (the quad in which the subject property is located). Although a concerted effort was made to locate this species, it was not detected on-site.

Large-flowered Leptosiphon (*Leptosiphon grandiflorus*). The Large-flowered Leptosiphon is an annual herb found in sandy soils in a variety of habitats at elevations of 16 – 4,014 feet. This plant is classified by the CNPS as having a Rare Plant Rank of 4.2 which means that this plant has a limited distribution and is on a "watch list". This plant is fairly threatened in California with 20-80% of the occurrences having a moderate degree and immediacy of threat. According to California's CNDDB ranking system, the Large-flowered Leptosiphon has a state rank of S3 which means that it is vulnerable in the state due to a restricted range, relatively few populations

(often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation. This species is not on the County of San Diego Sensitive Plant List. There are sandy soils mapped on the property (Bowman, 1973), and the property is within the known elevational range of the species. According to the CNPS, this species has been recorded within the San Pasqual quad (the quad in which the subject property is located). Although a concerted effort was made to locate this species, it was not detected on-site.

Spreading Navarretia (*Navarretia fossalis*). Due to the historic CNDDB record of this species approximately 900-feet to the southeast of the property, and in an abundance of caution, the potential of the Spreading Navarretia to be found on-site is discussed here. In San Diego County, the preferred habitat of Spreading Navarretia is Vernal Pools at elevations of 98 – 2,155 feet. There are no Vernal Pools on the property and the CNDDB record that is 900-feet from the property has been extirpated (CDFW, 2016a). Because of the lack of appropriate ephemeral ponding habitat, it is unlikely to be found on the subject property.

1.4.6 Sensitive Wildlife Species

Another goal of the biological survey effort was to identify any sensitive wildlife species that occur on, or in the immediate vicinity of, the Creekside property. A list of fifty-three sensitive species known to occur within a ten-mile radius of the subject property was generated from a nine quad search of the CNDDB (CDFW, 2016a). This list was augmented with two sensitive species from the County of San Diego's sensitive wildlife list. The revised list of fifty-five species is found as Table 4 (the reader's attention is directed to that table for additional information). Of the fifty-five species, two were found. These two species were the Turkey Vulture and the Western Bluebird. Both of these species are only considered sensitive by the County of San Diego. Both were seen as overflights during the focused Burrowing Owl survey. Two species required focused surveys; the Burrowing Owl and the Stephens' Kangaroo Rat, and one species, the Arroyo Toad, requires further explanation.

Burrowing Owl. The Burrowing Owl (*Athene cunicularia*) is considered a Group 1 Sensitive Animal species in the County Guidelines for Determining Significance (San Diego, County of, 2010a), and a Species of Special Concern by the California Department of Fish and Wildlife (CDFW, 2016b). Suitable habitat was noted on the Creekside property during the habitat assessment for the Burrowing Owl on 7 October 2015. A subsequent burrow survey was conducted on 17 December 2015, followed by a winter survey for the species in 2015-2016, and a nesting season survey in 2016 (see Appendix B for the Burrowing Owl Biological Report). California Ground Squirrel burrows occur throughout the site providing potentially suitable burrows for the Burrowing Owl. The majority of the burrows are concentrated in the central portion of the site and along the central fence line. The closest CNDDB record is approximately 1.6–miles to the northwest of the parcel located near the west end of the Ramona Airport runway (CDFW, 2016a). This is the only CNDDB record for Burrowing Owls within the San Pasqual quad. No Burrowing Owls or Burrowing Owl signs were found during either the winter survey or the nesting season survey for the species.

Stephens' Kangaroo Rat. The Stephens' Kangaroo Rat (*Dipodomys stephensi*) is considered a Group 1 Sensitive Animal species in the County Guidelines for Determining Significance (San Diego, County of, 2010a). This species is listed as threatened under the California Endangered Species Act (CESA), and as endangered under the federal Endangered Species Act (ESA) (CDFW, 2016b). Given the presence of Non-Native Grassland habitat on the site and the known occurrence of the Stephens' Kangaroo Rat (SKR) 1-mile to the southwest of the property near the Ramona airport (CDFW, 2016a), a habitat assessment for this species was conducted by Stephen Montgomery on 30 October 2015. Mr. Montgomery is a biologist that holds a federal permit to survey for the SKR (Permit TE745541-10). Based upon his field survey, there are no SKR on the Creekside property (see Appendix C for the SKR Biological Report). He further states, "the levels and types of disturbance that are evident in the general area of the project site strongly suggest that SKR is absent in the near vicinity of the site, and the likelihood of future colonization of this site by this kangaroo rat species is extremely low."

Arroyo Toad. The Arroyo Toad (*Anaxyrus californicus*) is considered a Group 1 Sensitive Animal species in the County Guidelines for Determining Significance (San Diego, County of, 2010a). This species is listed as endangered under the federal ESA, and is considered a Species of Special Concern by the CDFW (CDFW, 2016b). While the arroyo toad is now extirpated from much of its historical range, they persist primarily in the headwaters of San Diego watersheds and are known to be present in several areas within Santa Maria Creek. Consequently, USFWS-designated Critical Habitat Unit 16a encompasses a portion of Santa Ysabel Creek and several tributaries to Santa Ysabel Creek, including 9.1-miles of the Santa Maria Creek from the west side of Ramona to the confluence with Santa Ysabel Creek. Critical habitat for the Arroyo Toad was revised in 2011 (USFWS, 2011). The 9.1-miles of designated Critical Habitat along the Santa Maria Creek begins on the very western edge of APN 282-130-68, which is immediately adjacent to the north but is not part of the project site. The project has been carefully designed to avoid any impacts to the Santa Maria Creek, and the adjacent riparian habitat. According to Holland and Sisk (2000), in addition to occupying washes, arroyos, sandy riverbanks, and other riparian habitats, the use of uplands (areas of low topographical relief outside of the floodplain) is also recognized as a key component of the arroyo toad's life history in near-coastal areas of its range (USFWS, 1999, 2009). Light and noise pollution from adjacent developments or campgrounds may reduce arroyo toad reproductive success by disrupting the vocalization behavior of males during the breeding season (M. Jennings, in litt., 1993). The portion of the subject property that is adjacent to the riparian habitat is occupied by the Field/Pasture Lands with little to no vegetative cover (see Figure 2). If toads were to traverse this terrain, they would become desiccated as it is a sunny, barren area. As such, no federal protocol survey has been conducted for the Arroyo Toad. However, given the proximity of this designated Critical Habitat to the Creekside project, the project will implement mitigation measures to reduce the likelihood of impacting any aestivating Arroyo Toads outside of the Santa Maria Creek.

San Diego Fairy Shrimp and Riverside Fairy Shrimp. Both the San Diego (*Branchinecta sandiegonensis*) and Riverside Fairy Shrimp (*Streptocephalus woottoni*) species are listed as Endangered under the federal ESA. These species are also both considered Group 1 Sensitive

Animal species in the County Guidelines for Determining Significance (San Diego, County of, 2010a). A dry season sampling for San Diego and Riverside Fairy Shrimp was conducted by Greg Mason (USFWS Permit TE 58862A-0) within two tire ruts on-site (see Appendix D). No cysts of either species were found.

1.4.7 Wetlands/Jurisdictional Waters

The Creekside property was inspected for any water features that would be considered jurisdictional under the County of San Diego's Resource Protection Ordinance (RPO), or jurisdictional to the Army Corps of Engineers (ACOE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW).

The County of San Diego RPO defines what is and what is not a wetland:

"(1) Lands having one or more of the following attributes are 'wetlands':

(aa). At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places);

(bb). The substratum is predominantly undrained hydric soil; or

(cc). An ephemeral or perennial stream is present, whose substratum is predominately non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system.

(2) Notwithstanding paragraph (1) above, the following shall not be considered 'Wetlands':

(aa) Lands which have attribute(s) specified in paragraph (1) solely due to man-made structures (e.g. culverts, ditches, road crossings, or agricultural ponds), provided that the Director of Planning and Land Use determines that they:

(I) Have negligible biological function or value as wetlands;

(ii) Are small and geographically isolated from other wetland systems;

(iii) Are not Vernal Pools; and

(iv) Do not have substantial or locally important populations of wetland dependent sensitive species.

(bb) Lands that have been degraded by past legal land disturbance activities, to the point that they meet the following criteria as determined by the Director of Planning and Land Use:

(I) Have negligible biological function or value as wetlands even if restored to the extent feasible; and,

(ii) Do not have substantial or locally important populations of wetland dependent sensitive species. ”

For the purposes of federal regulatory programs, federal wetlands are defined as areas meeting all three of the following criteria:

1. A predominance of hydrophytic vegetation; and

2. Sufficient hydrology (or water flow) such that there is an anaerobic growing condition in the soil for at least one week during the growing season; and

3. A predominance of hydric soils.

In addition to federal wetlands, “non-wetland waters of the U.S.” are also protected under the Clean Water Act. In non-tidal situations, “non-wetland waters of the U.S.” are delineated by the Ordinary High Water Mark (OHWM) which is defined as, “. .the line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation or presence of litter and debris. .”

For CDFW and RWQCB purposes, the definition of a wetland is defined by the occurrence of at least one of the following three attributes: 1) at least periodically, the land supports hydrophytes, 2) the substrate is predominantly undrained hydric soil, and 3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. Also, CDFW (at least the staff members at the San Diego office) utilize the Ordinary High Water Mark (OHWM) as an indication of a wetland.

Based upon aerial photos and a field survey, there are no wetlands and/or jurisdictional waters of the U.S. within the bounds of the Creekside project. The Santa Maria Creek is located outside the project boundary on the northern portion of Parcel B (see Appendix A), approximately 110-feet from the parcel boundary at its closest proximity (see Figure 2).

Given the location of the site in downtown Ramona with surrounding Vernal Pools in the vicinity, the subject property was inspected for Vernal Pools. Two tire ruts located on the dirt loop off of Robertson Street held water during the surveys; however the ruts were graded on date, obliterating the road ruts. A spring plant survey was conducted in 2016, and no Vernal Pool indicator plants were documented. A dry season sampling for San Diego and Riverside Fairy Shrimp conducted after the road ruts were removed was negative results.

1.4.8 Habitat Connectivity and Wildlife Corridors

As can be seen in Figure 2, the Creekside project is an oddly shaped property with triangle-like projections into residential areas to the south. These southern areas contain Non-Native Grassland and Disturbed Habitat with no virtually no canopy cover. Two Coyotes were seen in the Non-Native Grassland near Robertson Street. Coyotes are not uncommon in residential neighborhoods. However, it is presumed that much of the wildlife movement would be along the Santa Maria Creek where there is water and riparian canopy cover located to the north of the Creekside project.

1.5 Applicable Regulations

There are several regulations that apply to the Creekside project in terms of biological resources. These regulations include the Migratory Bird Treaty Act (federal), the Clean Water Act (federal), the California Environmental Quality Act (state), the California Fish and Game Code (state), the Natural Community Conservation Planning Act (state), the North County Multiple Species Conservation Program (County), and the Resource Protection Ordinance (County).

2.0 Project Effects

The specific design of the Creekside project has potentially significant direct biological effects to Non-Native Grasslands and Field/Pasture lands. Below is a table detailing the habitat/vegetation types and amounts, and the proposed impacts (also please see previous pages 7 and 8 for the Vegetation Maps):

Habitat/Vegetation Communities and Impacts[1]

Vegetative Community	Existing Acreage On-site	Acres Impacted On-site
Non-Native Grassland (Element Code 42200)	3.8	3.8
Disturbed Habitat (Element Code 11300)	0.7	0.7
Field/Pasture (Element Code 18310)	1.0	1.0
TOTAL:	5.5	5.5

[1] Calculated impacts include those due to grading and fuel modification.

3.0 Special Status Species

This section pertains to the determination of significant impacts, as a result of the project, to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

3.1 Guidelines for the Determination of Significance

Any of the following conditions would be considered significant:

A. The project would impact one or more individuals of a species listed as federally or state endangered or threatened.
B. The project would impact the survival of a local population of a County Group A or B plant species, or a County Group 1 animal species, or a species listed as a state Species of Special Concern.
C. The project would impact the regional long-term survival of a County Group C or D plant species or a County Group 2 animal species.
D. The project may impact arroyo toad aestivation or breeding habitat.
E. The project would impact golden eagle habitat.
F. The project would result in a loss of functional foraging habitat for raptors.
G. The project would increase noise and/or nighttime lighting to a level above ambient proven to adversely affect sensitive species.
H. The project would impact the viability of a core wildlife area, defined as a large block of habitat (typically 500 acres or more not limited to project boundaries, though smaller areas with particularly valuable resources may also be considered a core wildlife area) that supports a viable population of a sensitive wildlife species or an area that supports multiple wildlife species.
I. The project would increase human access or predation or competition from domestic animals, pests or exotic species to levels that would adversely affect sensitive species.
J. The project would impact the nesting success of sensitive animals (as listed in the Guidelines for Determining Significance) through grading, clearing, fire fuel modification and/or noise generating activities such as construction.

3.2 Analysis of Project Effects

The proposed project will not result in significant impacts to sensitive species under the Guidelines in Section 3.1 for the Determination of Significance for the following reasons:

3.1.A No federal or state listed threatened or endangered species were noted on-site.
3.1.B No sensitive plant species were noted during the surveys. One County Group 1 animal species was detected on-site: Turkey Vulture. It was detected overflying

the property. As such, the project would not impact the survival of a local population of a County Group A or B plant species, or a County Group 1 animal species.

3.1.C No sensitive plant species were noted during the surveys. One County Group 2 animal species detected on-site: Western Bluebird. It was noted as overflights of the property. There are no suitable nest cavities for this species on-site, although suitable nesting habitat occurs on adjacent property and the species may forage on the project site. As such, the project would not impact the regional long-term survival of a County Group C or D plant species or a County Group 2 animal species.

3.1.D The project site does not contain breeding habitat suitable for the Arroyo Toad. Critical habitat for the Arroyo Toad is designated at the western edge of APN 282-130-68 along the Santa Maria Creek. This critical habitat is outside of the bounds of the Creekside project. There is suitable aestivating habitat for the Arroyo Toad within the bounds of the project, but mitigation measures will be implemented to avoid any potential impacts to this species. Implementation of these mitigation measures will ensure that there are no direct impacts to the Arroyo Toad.

The placement of forty detached townhomes near existing Critical Habitat for the Arroyo Toad could pose an indirect impact by introducing nighttime light, pets and children to the area. However, while conducting surveys, several homeless encampments were observed along Santa Maria Creek as was a homeless person and his dog which appear to be living in the riparian habitat. In addition, all exterior lighting will be shielded down away from Santa Maria Creek in compliance with the Palomar Dark Sky Policy and all the backyards are fenced.

3.1E There are no suitable Golden Eagle nest sites on the property. The closest CNDDB record of a Golden Eagle nest is 4.6-miles to the southwest just north of Iron Mountain in Poway (CDFW, 2016a).

3.1.F Red-tailed Hawks and a Red-shouldered Hawk were noted in the area during the Burrowing Owl surveys. This site most likely provides foraging habitat for these raptors. The loss of 4.8-acres of Non-Native Grassland and Field/Pasture functioning as raptor foraging habitat will be mitigated through the purchase of off-site mitigation at a suitable off-site mitigation site that is acceptable to the County.

3.1.G Lighting will be shielded away from the Santa Maria Creek to the north by requiring downward shielded light fixtures in the backyards and in the park/water quality detention basin that comply with the Palomar Dark Sky Policy. This requirement shall be included on the plans. It should be noted that there is no pole lighting proposed in the park. Increased noise will occur with the addition of forty townhomes. However, based upon the Noise Assessment for the project prepared by LDN Consulting, Inc., the operational noise analysis had the following conclusions, “Based on noise levels, the distances to the property lines

and the proposed building orientations and fencing the proposed operations are anticipated to be below the County's Property Lines standards. No impacts are anticipated and no mitigation is required." Construction noise is predicted to be less than 75 dBA at the property line for the worst-case eight-hour average combined noise level. As such, the lighting and noise generated by the project will not be increased to a level above ambient proven to adversely affect sensitive species.

3.1.H The project is located in downtown Ramona with existing-single-family homes along the southern, western and eastern boundaries. Although there are undeveloped agricultural parcels to the north which include the Santa Maria Creek and adjacent riparian habitat, this project is not proposing any impacts to the Santa Maria Creek or the riparian habitat.

3.1.I The only sensitive species noted during the field surveys were the Turkey Vulture and the Western Bluebird. These two bird species were noted as overflights. While the project will introduce more humans and domestic pets to the area, the property is located near downtown Ramona and is surrounded on three sides by residential rural development. Domestic predators, such as cats and dogs, were already noted on-site during the surveys. It is anticipated that the addition of forty townhomes will increase the number of domestic pets, but the backyards will all be fenced limiting the intrusion into the adjacent open areas.

3.1.J. The sensitive species noted during the field survey were the Turkey Vulture and the Western Bluebird. These two bird species were noted as overflights, and no suitable nest sites occur on the property for either species. As such, the project would not impact the nesting success of these sensitive animals.

3.3 Cumulative Impact Analysis

California Environmental Quality Act (CEQA) Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. The County of San Diego certified an EIR for the General Plan Update on August 3, 2011. Since 1) this project is consistent with the development density established by the General Plan Update EIR, 2) there are no project specific effects which are peculiar to the project or its site, 3) there are no project specific impacts which the General Plan Update EIR failed to analyze as significant effects, 4) there are no potential significant off-site and/or cumulative impacts which the General Plan Update EIR failed to evaluate, and 5) there is no substantial new information which results in more severe impacts than anticipated by the General Plan Update EIR, then this project qualifies for the CEQA Section 15183 exemption. Therefore, there will be no cumulative effects as long as the Creekside project provides appropriate habitat mitigation, and implements avian breeding season avoidance mitigation measures as outlined in this report.

3.4 Mitigation Measures and Design Considerations

The following mitigation measures will be implemented:

1. **ANY PERMIT**: *Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of Director of PDS [PDS, PCC] that the following "Specific Environmental Notes have been placed on the grading and/or improvement plans:*

BREEDING SEASON AVOIDANCE

INTENT: In order to avoid impacts to nesting migratory birds and raptors, which are a protected biological resource pursuant to the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, breeding season avoidance shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT**: There shall be no brushing, clearing and/or grading of vegetation during the breeding season of migratory birds or raptors, between February 1 and August 31. [PDS, PCC] may waive this condition, through review from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (Wildlife Agencies), provided that it can be demonstrated to the satisfaction of PDS and Wildlife Agencies that no nesting or breeding birds are present within or adjacent to the areas to be brushed, cleared, or graded. This determination shall be based on a pre-construction survey and report, conducted and prepared by a qualified biological consultant approved by the County, within 10 days prior to the proposed start of clearing/grading. If nesting birds are present in the vicinity, prior to granting permission PDS and the Wildlife Agencies shall require avoidance measures including, but not limited to, staking and posting avoidance areas from the nest(s) to prohibit all construction work within the perimeter until the qualified biologist determines that the nests are no longer occupied and follow-up reports to be provided to the county, with written notification to the approval of the [PDS, PCC]. If the [PDS, PCC] grants a waiver of this condition, the qualified biologist shall conduct another preconstruction nesting bird survey within 3 days of brushing, clearing and/or grading to confirm that conditions have not changed. If approved, this waiver does not relieve the project from required compliance with state and federal laws, and nesting or breeding birds must be avoided at all times. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No grading shall occur on-site until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** PDS shall not allow any grading during the

specified dates, unless review and concurrence from PDS and the Wildlife Agencies is received.

2. Exclusionary fencing will be installed around the perimeter of the project to ensure that no Arroyo Toads are harmed during construction.
3. Impacts to 4.8-acres of Non-Native Grassland and Field/Pasture habitats will be mitigated by purchasing 2.4-acres of off-site mitigation (a 0.5:1 ratio) at suitable off-site mitigation property that is acceptable to the County.

3.5 Conclusions

By implementing the four mitigation measures outlined in Section 3.4 above, the potentially significant impacts will be mitigated to a less than significant level.

4.0 Riparian Habitat or Sensitive Natural Community

This section pertains to the determination of significant impacts, as a result of the project, to riparian habitat or a sensitive natural community. Jurisdictional federal wetlands are discussed in Section 5.0 below.

4.1 Guidelines for the Determination of Significance

Any of the following conditions would be considered significant:

A. Project-related construction, grading, clearing, or other activities would temporarily or permanently remove sensitive native or naturalized habitat (as listed in Table 5 of the County Guidelines for Determining Significance) on or off the project site.
B. Any of the following will occur to or within jurisdictional wetlands and/or riparian habitats as defined by ACOE, CDFW and the County of San Diego: removal of vegetation; grading; obstruction or diversion of water flow; adverse change in velocity, siltation, volume of flow, or runoff rate; placement of fill; placement of structures; construction of a road crossing; placement of culverts or other underground piping; any disturbance of the substratum; and/or any activity that may cause an adverse change in native species composition, diversity and abundance.
C. The project would draw down the groundwater table to the detriment of groundwater-dependent habitat, typically a drop of 3 feet or more from historical low groundwater levels.
D. The project would increase human access or competition from domestic animals, pests or exotic species to levels proven to adversely affect sensitive habitats.
E. The project does not include a wetland buffer adequate to protect the functions and values of existing wetlands.

4.2 Analysis of Project Effects

The potentially significant effects to riparian or other sensitive habitat per the Guidelines in Section 4.1 above are analyzed below.

The Creekside project will not result in significant impacts to sensitive habitats under the remaining Guidelines in Section 4.1 for the Determination of Significance for the following reasons:

4.1.A Under Section 4.1.A, the proposed project will impact 1.0-acres of Field/Pasture and 3.8-acres of Non-Native Grassland, but these impacts will be mitigated by purchasing 2.4-acres of off-site mitigation (a 0.5:1 ratio) at the Hobbs Mitigation Site in Ramona or another suitable off-site mitigation property that is acceptable to the County.

4.1.B There will be no direct impacts to federal ACOE wetlands or wetlands as defined by CDFW, the RWQCB, or the County RPO. The project design has avoided impacts to these sensitive habitats on-site.

4.1.C The project will be serviced by the Ramona Municipal Water District, not by wells.

4.1.D Domestic pets, such as cats and dogs, were already noted on-site. It is anticipated that the addition of forty townhomes will increase the number of domestic pets, however the backyards will all have required fencing limiting the intrusion into the adjacent open areas.

4.1.E. The Santa Maria Creek is located approximately 110 – 145 feet off-site. The edge of the project is 45-feet from the Santa Maria Creek which is considered an RPO wetland. No Biological Open Space Easement will be dedicated as this area is not located within the project boundaries.

4.3 Cumulative Impact Analysis

Since the Creekside project is proposing to purchase 2.4-acres of Non-Native Grassland mitigation credits from a suitable off-site mitigation property that is acceptable to the County for the impacts to the 3.8-acres of Non-Native Grasslands and 1.0-acre of Field/Pasture lands (a 0.5:1 ratio), then the project's contribution to a cumulative impact on Non-Native Grasslands will be less than cumulatively considerable.

4.4 Mitigation Measures and Design Considerations

The following mitigation measure will be implemented to mitigate the potentially significant impacts to the natural upland and wetlands habitats to a less than significant level:

5. Mitigation for the loss of 3.8-acres of Non-Native Grassland and 1.0-acre of

Field/Pasture lands will be mitigated through the purchase of 2.4-acres of Non-Native Grassland mitigation credits at an off-site mitigation property that is acceptable to the County. The out-of-kind mitigation of Non-Native Grassland for Field/Pasture Lands is appropriate in that Non-Native Grassland is less disturbed and provides more species diversity than Field/Pasture Lands.

4.5 Conclusions

The potentially significant impacts resulting from the loss of 3.8-acres of Non-Native Grassland and 1.0-acre of Field/Pasture lands will be mitigated to a less than significant level by purchasing 2.4-acres of Non-Native Grassland mitigation credits at an off-site mitigation property that is acceptable to the County.

5.0 Jurisdictional Wetland and Waterways

There are no jurisdictional wetlands or waterways within the bounds of the Creekside project. The Santa Maria Creek is an RPO Wetland located 145-feet from the northern edge of the project.

5.1 Guidelines for the Determination of Significance

There are no jurisdictional wetlands or waterways within the bounds of the Creekside project.

5.2 Analysis of Project Effects

There are no jurisdictional wetlands or waterways within the bounds of the Creekside project.

5.3 Cumulative Impact Analysis

Since there are no jurisdictional wetlands or waterways within the bounds of the Creekside project, there are no impacts, cumulative or otherwise.

5.4 Mitigation Measures and Design Considerations

Since there are no jurisdictional wetlands or waterways within the bounds of the Creekside project, there are no mitigation measures.

5.5 Conclusions

There are no jurisdictional wetlands or waterways within the bounds of the Creekside project.

6.0 Wildlife Movement and Nursery Sites

This section pertains to the determination of significant impacts, as a result of the project, to wildlife movement and nursery sites.

6.1 Guidelines for the Determination of Significance

Any of the following conditions would be considered significant:

A. The project would prevent wildlife access to foraging habitat, breeding habitat, water sources, or other areas necessary for their reproduction.

B. The project would substantially interfere with connectivity between blocks of habitat, or would potentially block or substantially interfere with a local or regional wildlife corridor or linkage.

C. The project would create artificial wildlife corridors that do not follow natural movement patterns.

D. The project would increase noise and/or nighttime lighting in a wildlife corridor or linkage to levels proven to affect the behavior of the animals identified in a site-specific analysis of wildlife movement.

E. The project does not maintain an adequate width for an existing wildlife corridor or linkage and/or would further constrain an already narrow corridor through activities such as (but not limited to) reduction of corridor width, removal of available vegetative cover, placement of incompatible uses adjacent to it, and placement of barriers in the movement path.

F. The project does not maintain adequate visual continuity (i.e. long lines-of-site) within wildlife corridors or linkages.

6.2 Analysis of Project Effects

Given the layout of the property and the adjoining Santa Maria Creek to the north, most of the wildlife movement is expected to occur off-site along the Santa Maria Creek where there is a water source and canopy cover.

The potential impacts to wildlife movement per the Guidelines in Section 6.1above are analyzed below.

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6.1.A The project is situated to the south of the Santa Maria Creek. Careful project design has avoided any impacts to the Creek and the northern edge of the project is 110 -145 feet from the Creek. In addition, the residential development is situated on the south side of the site with a park on the north side.

6.1.B The current design of the Creekside project does not interfere with the wildlife movement, the majority of which is anticipated to occur off-site to the north along the Santa Maria Creek. While Coyotes were seen moving across the Non-Native Grassland on-site, their presence is expected to continue even after development as Coyotes are well adapted to moving through rural neighborhoods.

6.1.C The proposed project is located adjacent to existing residences to the south, east and west, and as such will not create an artificial wildlife corridor. Wildlife movement will continue to the north of the site.

6.1.D With regard to the potential increased noise and/or nighttime lighting, all exterior lighting will be shielded away from the Santa Maria Creek in compliance with the Palomar Dark Sky Policy to minimize the nighttime light intrusion. This requirement shall be included on the plans. Increased noise will occur with the addition of forty townhomes. However, based upon the Noise Assessment for the project prepared by LDN Consulting, Inc., the operational noise analysis had the following conclusions, "Based on noise levels, the distances to the property lines and the proposed building orientations and fencing the proposed operations are anticipated to be below the County's Property Lines standards. No impacts are anticipated and no mitigation is required." Construction noise is predicted to be less than 75 dBA at the property line for the worst-case eight-hour average combined noise level. As such, the lighting and noise generated by the project will not affect the behavior of wildlife movement along the Santa Maria Creek.

6.1.E The project is situated to the south of the anticipated main wildlife corridor along Santa Maria Creek. Careful project design has avoided any impacts to the Creek and the northern edge of the project is 145-feet from the Santa Maria Creek. The proposed townhomes are adjacent to existing residences to the south, west, and east.

6.1.F The proposed townhomes are adjacent to existing residences to the south, west, and east. The Santa Maria Creek is located off-site to the north and the northern edge of the project is 145-feet from the Santa Maria Creek. As such, the visual continuity along the creek is maintained with the current project design.

6.3 Cumulative Impact Analysis

Since the current design of the Creekside project does not interfere with the anticipated off-site wildlife movement along Santa Maria Creek, there are no impacts to the wildlife movement in terms of blockage or diversion. One large mammal was seen moving through the Non-Native Grassland habitat: Coyotes. Since Coyotes are adept at moving through residential neighborhoods, the proposed development should not impede the movement of this species. With regard to the potential increase in noise and/or nighttime lighting, the outdoor lighting will be shielded away from the wildlife corridor along Santa Maria Creek. The noise generated by the addition of forty townhomes has been determined to be below the County's Property Lines standards per the Noise Assessment for the project prepared by LDN Consulting, Inc. Therefore, this potential impact is not believed to be cumulatively considerable.

6.4 Mitigation Measures and Design Considerations

The following mitigation measures will be implemented to mitigate the potentially significant impacts to the existing wildlife corridors on-site:

6. Outdoor lighting will be shielded away from the existing wildlife corridors by requiring downward shielded lights in compliance with the Palomar Dark Sky Policy to minimize the nighttime light intrusion. This requirement shall be included on the plans.

6.5 Conclusions

Since the Creekside property does not contain any wildlife corridors, there are no significant impacts to wildlife movement and none that are believed to be cumulatively considerable. Similarly, the potential increase in noise and nighttime lighting is being mitigated through project design and the requirement to shield outdoor lighting away from the wildlife corridor along Santa Maria Creek.

7.0 Local Policies, Ordinances, Adopted Plans

This section pertains to the determination of significant impacts, as a result of the project, with respect to local policies, ordinances and adopted plans.

7.1 Guidelines for the Determination of Significance

Any of the following conditions would be considered significant:

A. For lands outside of the MSCP, the project would impact coastal sage scrub (CSS) vegetation in excess of the County's 5% habitat loss threshold as defined by the Southern California Coastal Sage Scrub Natural Communities Conservation Planning Process (NCCP) Guidelines.

B. The project would preclude or prevent the preparation of the subregional Natural Communities Conservation Planning Process (NCCP). For example, the project proposed development within areas that have been identified by the County or resource agencies as critical to future habitat preserves.

C. The project will impact any amount of sensitive habitat lands as outlined in the Resource Protection Ordinance (RPO).

D. The project would not minimize and/or mitigate coastal sage scrub habitat loss in accordance with Section 4.3 of the Natural Communities Conservation Planning Process (NCCP) Guidelines.

E. The project does not conform to the goals and requirements as outlined in any applicable Habitat Conservation Plan (HCP), Habitat Management Plan (HMP), Special Area Management Plan (SAMP), Watershed Plan, or similar regional planning effort.

F. For lands within the Multiple Species Conservation program (MSCP), the project would not minimize impacts to Biological Resource Core Areas (BRCAs), as defined in the Biological Mitigation Ordinance (BMO).

G. The project would preclude connectivity between areas of high habitat values, as defined by the Southern California Coastal Sage Scrub Natural Communities Conservation Planning Process (NCCP) Guidelines.

H. The project does not maintain existing movement corridors and/or habitat linkages as defined by the Biological Mitigation Ordinance (BMO).

I. The project does not avoid impacts to MSCP narrow endemic species and would impact core populations of narrow endemics.

J. The project would reduce the likelihood of survival and recovery of listed species in the wild.

K. The project would result in the killing of migratory birds or destruction of active migratory bird nests and/or eggs (Migratory Bird Treaty Act).

L. The project would result in the take of eagles, eagle eggs or any part of an eagle (Bald and Golden Eagle Protection Act).

7.2 Analysis of Project Effects

The potentially significant effects on local policies, ordinances or adopted plans per the Guidelines in Section 7.1 above are analyzed below.

7.1.A There is no Diegan Coastal Sage Scrub on the Creekside property.

7.1.B The Creekside property is located within the proposed NCMSCP. However, no portion of the property is located within the Pre-Approved Mitigation Area (PAMA). Therefore, the project would not preclude or prevent the preparation of the subregional NCCP.

7.1.C Under Section 7.1.C, 3.8-acres of Non- Native Grasslands and 1.0-acre of Field/Pasture lands will be impacted. These impacts will be mitigated by purchasing 2.4-acres of Non-Native Grassland mitigation credits.

7.1.D There is no Diegan Coastal Sage Scrub on the Creekside property.

7.1.E The project does conform to the goals and requirements as outlined in the regional planning efforts, such as the NCMSCP. The project is located outside of a PAMA and appropriate mitigation is proposed for impacts to sensitive habitats.

7.1.F The Creekside property is outside of the County of San Diego MSCP Subarea Plan.

7.1.G There is no Diegan Coastal Sage Scrub on the Creekside property.

7.1.H There are no wildlife corridors or linkages within the bounds of the Creekside property.

7.1.I No narrow endemics were noted during the field surveys.

7.1.J No listed species were noted during the field surveys.

7.1.K Under Section 7.1.K, the proposed project could result in the killing of migratory birds or destruction of active migratory bird nests and/or eggs. However, it is recommended that grading for the project should occur outside of the avian breeding season.

7.1.L There are no suitable nest sites for either the Bald Eagle or Golden Eagle on the property.

7.3 Cumulative Impact Analysis

Any projects that go through the County that could impact migratory birds are conditioned such that any grading, clearing or grubbing activity shall occur outside of the avian breeding season. With this condition, there are no cumulative effects because there are no impacts to migratory birds.

"Sensitive Habitat Lands" are defined in the RPO as, "Land which supports unique vegetation communities, or the habitats of rare or endangered species or sub-species of animals or plants including the area which is necessary to support a viable population of any of the above species in perpetuity, or which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning wildlife corridor". Using this definition, the Non-Native Grassland and Field/Pasture lands are considered sensitive upland habitats. These upland habitats that will be unavoidably impacted will be mitigated for as described in the above Section 4.4. Therefore, there are no cumulative impacts anticipated.

7.4 Mitigation Measures and Design Considerations

The following mitigation measures will be implemented to mitigate the potentially significant effects on sensitive habitat lands and migratory birds to a less than significant level:

1. Grading, clearing and grubbing shall occur outside of the avian breeding season of February 15 to August 31, unless a qualified biologist has first surveyed the area of disturbance to determine the presence or absence of nesting bird species. If such nesting birds are *not* found, then actions proposed under the plan may proceed during the avian breeding season.

2. During construction, no activity shall occur within 300-feet of active raptor nests. All grading permits, improvement plans and the final map will include such statement. If grubbing, clearing or grading is proposed during the raptor breeding season, a pre-grading survey will be conducted within three days prior to clearing to determine if raptors occur within the areas directly impacted by grading or indirectly impacted by noise. If there are no raptors nesting (includes nest building or other breeding/nesting behavior) within this area, development will be allowed to proceed upon approval of the Director of PDS with concurrence from USFWS and CDFW. However, if raptors are observed nesting or displaying breeding/nesting behavior within the area, construction will be postponed until (1) all nesting (or breeding/nesting behavior) has ceased or until after July 15; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to reduce noise levels below 60 dB LEQ or ambient (if ambient is greater than 60 dB LEQ), to the satisfaction of the Director of PDS with

concurrence from USFWS and CDFW. Alternatively, if approved by the Director of PDS with concurrence from USFWS and CDFW, the duration of construction equipment operation could be controlled to keep noise levels below 60 dB LEQ or ambient (if ambient is greater than 60 dB LEQ) in lieu of or in concert with a wall or other sound attenuation barrier.

3. Mitigation for the loss of 1.0-acre of Field/Pasture lands and 3.8-acres of Non-Native Grasslands will be mitigated through the purchase of 2.4-acres of Non-Native Grassland mitigation credits at an off-site mitigation property that is acceptable to the County.

4. Outdoor lighting will be shielded away from the existing wildlife corridors by requiring downward shielded lights in compliance with the Palomar Dark Sky Policy to minimize the nighttime light intrusion. This requirement shall be included on the plans.

7.5 Conclusions

By implementing the four mitigation measures outlined in Section 7.4 above, the potentially significant impact to RPO sensitive habitat lands and migratory birds will be mitigated to a less than significant level.

8.0 Summary of Project Impacts and Mitigation

The areas of vegetation by type within the Creekside Subdivision and the associated mitigation requirements are summarized in the following table:

Vegetation Impact and Mitigation Summary[1]

Vegetative Community	Existing Acreage On-site	Acres Impacted On-site	Mitigation Ratio[2]	Required Mitigation (acres)	Proposed Mitigation (acres)
Non-Native Grassland (Element Code 42200)	3.8	3.8	0.5:1	1.9	1.9-acres of Non-Native Grassland mitigation credits
Disturbed Habitat (Element Code 11300)	0.7	0.7	N/A	None	None

Field/Pasture (Element Code 18310)	1.0	1.0	0.5:1	0.5	0.5-acre of Non-Native Grassland mitigation credits
Totals	5.5	5.5		2.4	2.4-acres of Non-Native Grassland mitigation credits

[1] Calculated impacts include those due to grading and fuel modification.

[2] Per the County of San Diego's Report Format and Content Requirements for Biological Resources, 4th Revision, September 15, 2010, Holland Codes 18310 and 42200 shall be mitigated at 0.5:1 unless the project is in East Otay Mesa, occupied by burrowing owl, or the land is considered part of the Ramona grasslands. The Ramona grasslands consist of the large, contiguous block of Native and Non-Native Grasslands located to the west of the Creekside project.

Implementation of the project as proposed will have the following effects on existing biological resources. These anticipated effects are:

1. The loss of 1.0-acre of Field/Pasture lands;

2. The loss of 3.8-acres of Non-Native Grasslands;

3. The construction of a homes in close proximity to RPO, CDFW, RWQCB and ACOE wetlands; and

4. The construction of homes in an area utilized by migratory birds, including raptors, for foraging, and possibly for nesting.

Of these effects, all four can be considered potentially significant. Implementation of the following selected mitigation measures can reduce these four effects to a level less than significant.

1. Impacts to the 3.8-acres of Non-Native Grasslands and 1.0-acre of Field/Pasture lands will be mitigated by purchasing 2.4-acres of Non-Native Grassland mitigation credits at an off-site mitigation property that is acceptable to the County.

2. Grading, clearing and grubbing shall occur outside of the avian breeding season of February 15 to August 31, unless a qualified biologist has first surveyed the area of disturbance to determine the presence or absence of nesting bird species. If such nesting birds are *not* found, then actions proposed under the plan may proceed during the avian breeding season.

4. During construction, no activity shall occur within 300-feet of active raptor nesting territories. All grading permits, improvement plans and the final map will

include such statement. If grubbing, clearing or grading is proposed during the raptor breeding season, a pre-grading survey will be conducted within three days prior to clearing to determine if raptors occur within the areas directly impacted by grading or indirectly impacted by noise. If there are no raptors nesting (includes nest building or other breeding/nesting behavior) within this area, development will be allowed to proceed upon approval of the Director of PDS with concurrence from USFWS and CDFW. However, if raptors are observed nesting or displaying breeding/nesting behavior within the area, construction will be postponed until (1) all nesting (or breeding/nesting behavior) has ceased or until after July 15; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to reduce noise levels below 60 dB LEQ or ambient (if ambient is greater than 60 dB LEQ), to the satisfaction of the Director of PDS with concurrence from USFWS and CDFW. Alternatively, if approved by the Director of PDS with concurrence from USFWS and CDFW, the duration of construction equipment operation could be controlled to keep noise levels below 60 dB LEQ or ambient (if ambient is greater than 60 dB LEQ) in lieu of or in concert with a wall or other sound attenuation barrier.

3. Outdoor lighting will be shielded away from the existing wildlife corridor and RPO wetland by requiring downward shielded lights in compliance with the Palomar Dark Sky Policy to minimize the nighttime light intrusion. This requirement shall be included on the plans.

4. Exclusionary fencing will be installed around the perimeter of the project to ensure that no Arroyo Toads are harmed during construction.

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